

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RACHAEL ANNE ELROD, et al	)	
	)	
v.	)	NO. 3:20-0617
	)	Richardson/Holmes
NO TAX 4 NASH, et al	)	

**ORDER**

Among the matters pending before the Court is Plaintiffs' motion for leave to file a second amended complaint (Docket No. 35), which is represented to be unopposed and is therefore GRANTED.<sup>1</sup> The Clerk is directly to separately file the second amended complaint, presently found at Docket No. 35-1. Once filed, the second amended complaint is the legally operative complaint. *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000). Defendants shall answer or otherwise respond to the second amended complaint as directed by Fed. R. Civ. P. 15(a)(3).

It is SO ORDERED.

  
BARBARA D. HOLMES  
United States Magistrate Judge

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<sup>1</sup> The Court notes that there is also pending an unopposed motion to certify class (Docket No. 37), which remains for disposition by Judge Richardson. Although not entirely clear from the filings, presumably, the parties took into consideration the proximity in timing of that motion to the motion for leave to amend and therefore based class certification on the second amended complaint. If that is not correct, the parties should promptly address this issue by supplemental filings. Further, if the class certification and notice period allow for an earlier case management conference, the parties should promptly move to reset the case management conference presently scheduled for July 16, 2021 for an earlier date.